

**Executive Summary – Enforcement Matter – Case No. 42113**

**SILVERLAKE CHURCH**

**RN101244986**

**Docket No. 2014-0050-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Indifference to legal duty based on violation of a previous order.

**Media:**

PWS

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Silverlake Church, 1865 Cullen Boulevard, Pearland, Brazoria County

**Type of Operation:**

Church with a public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 9, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$62

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$62

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 42113  
SILVERLAKE CHURCH  
RN101244986  
Docket No. 2014-0050-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** December 9, 2013 and September 5, 2013

**Date(s) of NOE(s):** December 20, 2013 and September 27, 2013

***Violation Information***

Failed to provide public notification regarding the failure to collect routine distribution water samples for coliform analysis [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (c)(2)(B) and TCEQ Agreed Order, Docket No. 2011-1263-PWS-E, Ordering Provision No. 2.b.].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days, implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, including but not limited to the public notification regarding the failure to collect routine coliform monitoring samples for the month of October 2012; and
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 42113**

**SILVERLAKE CHURCH**

**RN101244986**

**Docket No. 2014-0050-PWS-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Katy Montgomery, Enforcement Division,  
Enforcement Team 2, MC R-13, (210) 403-4016; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Reginald W. DeVaughn, Sr., President, SILVERLAKE CHURCH, 1865  
Cullen Boulevard, Pearland, Texas 77581

Paul Jackson, Groups Facilitator, SILVERLAKE CHURCH, 1865 Cullen Boulevard,  
Pearland, Texas 77581

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	6-Jan-2014	<b>Screening</b>	10-Jan-2014	<b>EPA Due</b>	
	<b>PCW</b>	6-Feb-2014				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	SILVERLAKE CHURCH		
<b>Reg. Ent. Ref. No.</b>	RN101244986		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	42113	<b>No. of Violations</b>	1	
<b>Docket No.</b>	2014-0050-PWS-E	<b>Order Type</b>	Findings	
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Katy Montgomery	
		<b>EC's Team</b>	Enforcement Team 2	
<b>Admin. Penalty \$ Limit Minimum</b>		\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$50

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **25.0%** Enhancement **Subtotals 2, 3, & 7** \$12

Notes Enhancement for one agreed order without a denial of liability.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$0

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** \$0

Total EB Amounts \$14  
Approx. Cost of Compliance \$105

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$62

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$62

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$62

**DEFERRAL** **0.0%** Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** \$62

Screening Date 10-Jan-2014

Docket No. 2014-0050-PWS-E

PCW

Respondent SILVERLAKE CHURCH

Policy Revision 3 (September 2011)

Case ID No. 42113

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101244986

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 25%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 25%

Screening Date 10-Jan-2014

Docket No. 2014-0050-PWS-E

PCW

Respondent SILVERLAKE CHURCH

Policy Revision 3 (September 2011)

Case ID No. 42113

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101244986

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.122(c)(2)(A) and (c)(2)(B) and TCEQ Agreed Order, Docket No. 2011-1263-PWS-E, Ordering Provision No. 2.b.

## Violation Description

Failed to provide public notification regarding the failure to collect routine distribution water samples for coliform analysis for the month of October 2012.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

## Violation Events

Number of Violation Events 1

425 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$63

This violation Final Assessed Penalty (adjusted for limits) \$63

# Economic Benefit Worksheet

Respondent SILVERLAKE CHURCH  
Case ID No. 42113  
Reg. Ent. Reference No. RN101244986  
Media Public Water Supply  
Violation No. 1

Percent Interest 5.0  
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	11-Nov-2012	31-Aug-2014	1.80	\$9	n/a	\$9
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop a protocol to ensure all necessary public notifications are provided in a timely manner, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-1263-PWS-E, to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$5	11-Nov-2012	31-Jan-2013	1.14	\$0	\$5	\$5
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide public notification (\$5 per notification) for the failure to collect routine coliform monitoring samples, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-1263-PWS-E, to the final date in which public notification was due.

Approx. Cost of Compliance

\$105

TOTAL

\$14





## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600681381, RN101244986, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600681381, SILVERLAKE CHURCH      **Classification:** NOT APPLICABLE      **Rating:** N/A

**Regulated Entity:** RN101244986, SILVERLAKE CHURCH      **Classification:** NOT APPLICABLE      **Rating:** N/A

**Complexity Points:** N/A      **Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 1865 CULLEN BOULEVARD, PEARLAND, BRAZORIA COUNTY, TEXAS

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 0200595

**Compliance History Period:** September 01, 2008 to August 31, 2013      **Rating Year:** 2013      **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** January 10, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 10, 2009 to January 10, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Katy Montgomery

**Phone:** (210) 403-4016

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

- 1      **Effective Date:** 11/11/2012      **ADMINORDER** 2011-1263-PWS-E (Findings Order-Agreed Order Without Denial)  
    **Classification:** Moderate  
    **Citation:** 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
            5A THSC Chapter 341, SubChapter A 341.033(d)  
    **Description:** TCR Routine Monitoring Violation 12/2009 - Failure to collect any routine monitoring sample(s).  
    **Classification:** Moderate  
    **Citation:** 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
            5A THSC Chapter 341, SubChapter A 341.033(d)  
    **Description:** TCR Routine Monitoring Violation 01/2011 - Failure to collect any routine monitoring sample(s).  
    **Classification:** Moderate  
    **Citation:** 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
            5A THSC Chapter 341, SubChapter A 341.033(d)  
    **Description:** TCR Routine Monitoring Violation 04/2011 - Failure to collect any routine monitoring sample(s).  
    **Classification:** Moderate  
    **Citation:** 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
            5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 06/2010 - Failure to collect any routine monitoring sample(s).  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 03/2011 - Failure to collect any routine monitoring sample(s).  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 07/2010 - Failure to collect any routine monitoring sample(s).  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 12/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 06/2010 - Failure to post public notice for not collecting any routine monitoring sample(s).  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 07/2010 - Failure to post public notice for not collecting any routine monitoring sample(s).  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 01/2011 - Failure to post public notice for not collecting any routine monitoring sample(s).  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2011.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010, bt a notice of violation was not sent.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2010, bt a notice of violation was not sent.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2010, bt a notice of violation was not sent.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2009, bt a notice of violation was not sent.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1                      March 01, 2013                      (1058082)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

## Component Appendices

## Appendix A

### All NOV's Issued During Component Period 1/10/2009 and 1/10/2014

1	Date:	01/26/2010	(935636)	CN600681381	Classification:	Moderate
	Self Report?	NO For Informational Purposes Only				
	Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i) 5A THSC Chapter 341, SubChapter A 341.033(d)				
	Description:	TCR Routine Monitoring Violation 12/2009 - Failure to collect any routine monitoring sample(s).				
2	Date:	07/23/2010	(936211)	CN600681381	Classification:	Moderate
	Self Report?	NO For Informational Purposes Only				
	Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i) 5A THSC Chapter 341, SubChapter A 341.033(d)				
	Description:	TCR Routine Monitoring Violation 06/2010 - Failure to collect any routine monitoring sample(s).				
3	Date:	08/31/2010	(936222)	CN600681381	Classification:	Moderate
	Self Report?	NO For Informational Purposes Only				
	Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i) 5A THSC Chapter 341, SubChapter A 341.033(d)				
	Description:	TCR Routine Monitoring Violation 07/2010 - Failure to collect any routine monitoring sample(s).				
4	Date:	03/10/2011	(936209)	CN600681381	Classification:	Moderate
	Self Report?	NO For Informational Purposes Only				
	Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i) 5A THSC Chapter 341, SubChapter A 341.033(d)				
	Description:	TCR Routine Monitoring Violation 01/2011 - Failure to collect any routine monitoring sample(s).				
5	Date:	04/29/2011	(936214)	CN600681381	Classification:	Moderate
	Self Report?	NO For Informational Purposes Only				
	Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i) 5A THSC Chapter 341, SubChapter A 341.033(d)				
	Description:	TCR Routine Monitoring Violation 03/2011 - Failure to collect any routine monitoring sample(s).				
6	Date:	06/03/2011	(936210)	CN600681381	Classification:	Moderate
	Self Report?	NO For Informational Purposes Only				
	Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i) 5A THSC Chapter 341, SubChapter A 341.033(d)				
	Description:	TCR Routine Monitoring Violation 04/2011 - Failure to collect any routine monitoring sample(s).				
7	Date:	06/29/2011	(936722)	CN600681381	Classification:	Moderate
	Self Report?	NO For Informational Purposes Only				
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)				
	Description:	This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2011.				
8	Date:	06/29/2011	(936713)	CN600681381	Classification:	Moderate
	Self Report?	NO For Informational Purposes Only				

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.

\* NOVs applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

## Appendix B

### All Investigations Conducted During Component Period January 10, 2009 and January 10, 2014

Item 1	June 29, 2011**	(935636) For Informational Purposes Only
Item 2	July 01, 2011**	(936259) For Informational Purposes Only
Item 3	October 21, 2011**	(963200) For Informational Purposes Only
Item 4*	March 01, 2013**	(1058082) For Informational Purposes Only
Item 5	November 20, 2013	(1116622) For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SILVERLAKE CHURCH  
RN101244986**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2014-0050-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding SILVERLAKE CHURCH (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a church with a public water supply at 1865 Cullen Boulevard in Pearland, Brazoria County, Texas (the "Facility") that has one service connection and serves at least 25 people per day for at least 60 days per year.

2. During record reviews conducted on September 5, 2013 and December 9, 2013, TCEQ staff documented that the Respondent did not provide public notification regarding the failure to collect routine distribution water samples for coliform analysis for the month of October 2012.
3. The Respondent received notice of the violations on October 3, 2013.

## **II. CONCLUSIONS OF LAW**

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to provide public notification regarding the failure to collect routine distribution water samples for coliform analysis, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (c)(2)(B) and TCEQ Agreed Order, Docket No. 2011-1263-PWS-E, Ordering Provision No. 2.b.
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Sixty-Two Dollars (\$62) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Sixty-Two Dollar (\$62) administrative penalty.

## **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Sixty-Two Dollars (\$62) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: SILVERLAKE CHURCH, Docket No. 2014-0050-PWS-E" to:



Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, including but not limited to the public notification regarding the failure to collect routine coliform monitoring samples for the month of October 2012, in accordance with 30 TEX. ADMIN. CODE § 290.122; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

11/25/14

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of SILVERLAKE CHURCH. I am authorized to agree to the attached Agreed Order on behalf of SILVERLAKE CHURCH, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, SILVERLAKE CHURCH waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

7-15-14  
Date

Reginald DeV Vaughn, Sr.  
Name (Printed or typed)  
Authorized Representative of  
SILVERLAKE CHURCH

CEO  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.